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June 2, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room CY-B402
Washington, D.C. 20554

RE: Notice of *Ex Parte* Meeting -
In the Matter of Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities, GN Docket No. 00-185 and CS Docket No. 02-52;
Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, Universal Service Obligations of Broadband Providers, CC Docket No. 02-33;
In the Matter of IP Enabled Services, WC Docket 04-36;
In the Matter of Petition of SBC Communications Inc. for Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services, WC Docket No. 04-29

Dear Ms. Dortch:

On May 26, 2005 Messrs. Andy MacFarlane and Ronald Barron Yokubaitis of TexasNet – who were present without counsel – met with the following officials at the Commission regarding the above captioned matters:

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| Barbara Esbin | Media Bureau |
| Wayne T. McKee | Media Bureau |
| Alison Greenwald | Media Bureau |
| John Norton | Media Bureau Policy |
| Mary Beth Murphy | Media Bureau Policy |
| John Kiefer | Media Bureau |
| Tim Stelzig | Wireline Competition Bureau |
| Ian Dillner | Wireline Competition Bureau |
| Robert Cannon | Office of Strategic Planning and Policy Analysis |

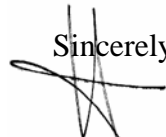
At the meeting TexasNet explained the need to preserve individual customer choice with regard to Internet-enabled applications and services; in particular TexasNet emphasized that those who control the physical layer and have market power – while they apparently have been allowed so far to tie physical layer transport to basic Internet access service and prevent truly competitive customer choice of Internet access providers – should not also be allowed to control, limit access to, impede, degrade or otherwise limit customer choice of Internet-capable applications and services. The only exceptions should be those necessary to allow the offering or support of parental controls or protections against adware, spyware, malware, antivirus, antispyware

or content filtering so long as the consumer has the choice between the network provider's service or application or those of unaffiliated vendors. TexasNet also expressed the view that states should be allowed to continue to act under its police power in the area of consumer protection.

TexasNet provided a copy of an early version (later changed when actually introduced and passed as a Floor Amendment to the House Bill) of underlying legislation supported by TexasNet dealing with consumer choice of Internet-related applications and services (the underlying legislation did not ultimately pass). A copy of the document is attached.

A copy of this Notice is being submitted electronically in each of the above captioned matters. Thank you for your attention to this matter. Please direct any questions you may have to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Scott McCollough', written over a horizontal line.

W. Scott McCollough
Counsel for TexasNet

Floor Amendment NO

By Baxter

Amend C.S.S.B. 408 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. Section 51.001, Utilities Code, is amended by adding Subsection (h) to read as follows:

(h) It is the policy of this state to foster free market intermodal communications competition, including providing incentives to invest in advanced communications infrastructure, while still maintaining the “end to end” concept that facilitated the creation and growth of the Internet and preserving customer choice in the Internet-enabled applications they employ in association with broadband service. A network provider which deploys broadband networks and provides advanced services may not prevent or inhibit the use of any application or product by customers in association with the use of an advanced service by blocking transmission and delivery of traffic to and from a particular port, Internet address or Internet site, by limiting the speed available for use by any particular application, or by instituting technical limitations on the use of any Internet-enabled application. However, a network provider may take such actions to protect the network from harm and prevent degradation of service to its general body of customers. This section does not prohibit a network provider from offering or supporting a service or application, including adware, spyware, malware, antivirus, antispam, content filtering or parental controls if the customer has a choice between the network provider’s service or application or those of an unaffiliated vendor.